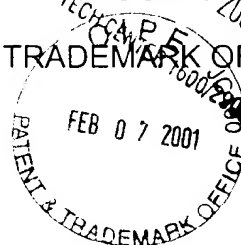


RECEIVED PATENT  
CUSTOMER NUMBER 22,852  
ATTORNEY DOCKET NO. 2481.1337-04  
3/9/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS  
BOX CPA  
Washington, D.C. 20231



Prior Application Art Unit: 1644

Prior Application Examiner: D. Saunders

SIR: This is a request for filing a Continued Prosecution Application as a:

☒ Continuation or ☐ Divisional application under 37 C.F.R. § 1.53(d) of pending prior nonprovisional application Serial No. 08/989,896 filed December 12, 1997, for FUSION PROTEINS FOR PRODRUG ACTIVATION by the following named inventor(s):

1. Mathias Gehrmann
2. Gerhard Seemann
3. Klaus Bosslet
4. Jorg Czech

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. ☐ Applicants hereby petition for a three month extension of time, the first two months of which have been paid in a check for \$390.00, which accompanied Applicants' Petition for Two-month Extension of Time dated January 5, 2001. The filing fee includes the amount of \$500.00 to cover the cost of this extension of time.
2. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
3. ☒ Enter the amendment previously filed on January 5, 2001, under 37 C.F.R. § 1.116 but unentered, in the prior application.
4. ☒ A Preliminary Amendment is enclosed.
5. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53 (d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

LAW OFFICES  
FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNN, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202 408 4000

02/06/2001 HAUONB1 00000057 06989896

01 FC:131  
02 FC:103

710.00 DP  
198.00 DP

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- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	31	-	20	11	x \$18	198.00
Independent Claims	1	-	3	0	x \$80	
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$260	
Subtotal						\$
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 908.00

7. ☒ A check in the amount of \$908.00 to cover the filing fee and any extension of time fees is enclosed.
8. ☒ The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-0916.
9. ☐ A verified statement claiming small entity status  
☐ is enclosed or ☐ is on file in the prior application.
10. ☒ Priority of application Serial No. P4233152.8 filed on October 2, 1992 in the Federal Republic of Germany is claimed under 35 U.S.C. § 119. A certified copy  
☐ is enclosed or ☒ is on file in the prior application.
11. ☒ The prior application is assigned of record to: Behringwerke Aktiengesellschaft at Reel 6738, Frames 0258-0260.
12. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT &

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DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. No. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; David A. Manspeizer, Reg. No. 37,540, and Lara C. Kelley, Reg. No. 41,551.

13. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**

14. ☐ Recognize as associate attorney \_\_\_\_\_

15. ☒ Also enclosed is an Information Disclosure Statement

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PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 08/989,896, filed December 12, 1997, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 7, 2001

By: Lara C. Kelley  
Lara C. Kelley  
Reg. No. 41,551

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11/16/00  
4<sup>E</sup> 2/12/01  
PATENT  
Customer Number 22,852  
Attorney Docket No. 2481.1337-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Mathias GEHRMANN et al. )  
)  
Serial No.: 08/989,896 ) Group Art Unit: 1644  
)  
Filed: December 12, 1997 ) Examiner: D. Saunders  
)  
For: FUSION PROTEINS FOR )  
PRODRUG ACTIVATION )

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**PRELIMINARY AMENDMENT**

In response to the Final Office Action of August 7, 2000, and pursuant to  
37 C.F.R. § 1.116, Applicants propose that this application be amended as follows:

**IN THE CLAIMS:**

Please amend claims 3, 18, 20-22, and 30 as follows:

3. (Thrice Amended) A compound as claimed in claim 1, wherein at least one  
antigen binding [region] region(s) comprises a variable domain of a heavy antibody  
chain and a variable domain of a light antibody chain (sFv fragment).

18. (Amended) A host cell containing a nucleic acid [as claimed in claim 14 or a  
vector as claimed in claim 17] coding for a compound as claimed in claim 1, or